

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, January 13, 2011 3:30 P.M.  
City Council Chambers  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF DECEMBER 30, 2010 ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

- 1      10-939-250   Michael Hafner and Jean Hafner**  
Re-establishment of nonconforming use as a duplex  
1133 Payne Ave, between Geranium and Jessamine  
B2  
Josh Williams 651-266-6659
  
- 2      10-939-012   Catholic Charities**  
Conditional Use Permit for temporary overnight shelter with modification of distance  
requirement from overnight shelter for women (Dorothy Day Center), emergency  
housing (Mary Hall) and community residential facility (located in St. Joseph's Hospital)  
215 Old 6th St, NE corner at Main  
B5  
Luis Pereira    651-266-6591

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Michael Hafner and Jean Hafner **FILE #** 10-939-250
  2. **APPLICANT:** Michael Hafner and Jean Hafner **HEARING DATE:** January 13, 2011
  3. **TYPE OF APPLICATION:** Nonconforming Use Permit Re-establishment
  4. **LOCATION:** 1133 Payne Ave, between Geranium and Jessamine
  5. **PIN & LEGAL DESCRIPTION:** 292922120145; Joseph R Weides Addition Lot 8 Blk 3
  6. **PLANNING DISTRICT:** 5
  7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** B2
  8. **STAFF REPORT DATE:** January 4, 2011 **BY:** Josh Williams
  9. **DATE RECEIVED:** December 22, 2010 **60-DAY DEADLINE FOR ACTION:** February 20, 2011
- 

- A. **PURPOSE:** Re-establishment of nonconforming use as a duplex
- B. **PARCEL SIZE:** 2750 sq. ft.
- C. **EXISTING LAND USE:** R-Duplex
- D. **SURROUNDING LAND USE:**
  - North: Commercial/retail (B2)
  - East: Commercial/retail (B2)
  - South: Residential/commercial (B2)
  - West: Residential (RT1)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** The building at 1133 Payne was originally constructed as a duplex, and was in this use immediately prior to becoming vacant in 2006, at which time it was registered as a Category 2 vacant building. In late 2007, title to property was acquired by the applicant. Under prior ownership, the property was subject of numerous complaints and summary abatement orders for accumulated trash, tall grass, and other conditions. Since acquiring the property, the applicant has undertaken substantial rehabilitation of the property. Due to confusion over property ownership, history of property, and suspicion of illegal habitation, Safety and Inspections (DSI) staff designated structure as a Category 3 vacant building in early 2010. DSI staff have determined that building is not being occupied and have concurred that the recommendations contained in this staff report are the appropriate course of action.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 5 Council had not provided a recommendation as of the writing of this staff report.
- H. **FINDINGS:**
  1. Applicant purchased property in November, 2007. Applicant has performed substantial rehabilitation of structure, which was previously listed as a Category 2 Vacant Building. The building is currently listed as a Category 3 Vacant Building. To remove Category 3 designation, the property owner must post the required bond, consent to a code compliance inspection, remedy all identified deficiencies in order to render structure compliant with building code, and pay any associated permit fees and/or fines.
  2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
    - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure was built as a duplex.

Information supplied by the applicant indicates that the combined loss of rental income and cost of conversion of the property to a (conforming) single-family structure would result in net costs exceeding rental income for the property.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The proposed non-conforming use is as a duplex residential property, the same as the previous non-conforming use.
- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. Housing of the density that would be allowed with re-establishment of the structure as a legal non-conforming duplex is consistent with the both the historic and current character of the immediate neighborhood. Based on rehabilitation to date and the staff recommendation for conditions of approval, the use will not be a threat to the public health, safety, or general welfare.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. Figure LU-B, the Generalized Future Land Use map, identifies Payne Avenue as a Mixed Use Corridor. Reestablishment of the structure as a legal non-conforming residential use in a commercial district is consistent with maintaining the mix of uses along Payne Avenue.
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on December 29, 2010: 16 parcels eligible; 11 parcels required; 11 parcels signed.

*The application for the permit shall include the petition, a site plan meeting the requirements of § 61.401, floor plans, and other information as required to substantiate the permit.* This finding is met. The applicant has supplied floor plans and a site diagram consistent with requirements of §61.401.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the re-establishment of nonconforming use as a duplex subject to the following conditions:
  1. The property must present to the City of Saint Paul a Vacant Building Performance Bond meeting City requirements as determined by Department of Safety and Inspections staff
  2. The property must undergo a code compliance inspection, and any and all repairs or rehabilitative actions required to render the structure compliant with the Minnesota State Building Code must be made in a manner consistent with terms of the Vacant Building Performance Bond
  3. The property owner must obtain permits for all required rehabilitation or repair work and pay in full any and all associated fees and/or fines.



**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only  
File #: 10-939250  
Fee: 650.00  
Tentative Hearing Date: 1-13-10

PD=5

# 292922120145

**APPLICANT**

Name Michael A. Hafner and Jean M. Hafner  
Address 807 Carla Lane  
City Maplewood St. MN Zip 55109-1932 Daytime Phone 612-889-6331  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

**PROPERTY LOCATION**

Address/Location 1133 Payne Ave. St. Paul, MN 55130  
Legal Description Lot 8 - Block 3 - Section / Township / Range: 29-29-22  
Plat: Joseph R. Weide's Addition Current Zoning B2  
(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)  
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use Duplex  
Proposed Use Duplex

Attach additional sheets if necessary

See Attachment 1

**RECEIVED**

DEC 22 2010

Per \_\_\_\_\_

ck  
6689  
650.00

Attachments as required ☒ Site Plan ☒ Consent Petition ☒ Affidavit

Applicant's Signature Michael A. Hafner Date 12-22-10 City Agent pdd 12-22-10

# Attachment 1

To: Department of Planning & Economic Development  
Zoning Section  
From: Michael A Hafner  
Re: Nonconforming Use Permit  
Date: December 15, 2010

In November 2007 my wife Jean and I purchased a vacant duplex at 1133 Payne Avenue. This house had been a problem property for quite some time having been cited for rubbish and tall grass. A business neighbor witnessed drug activity occurring at this address as well.

At that time, we were not necessarily in the market for another property because property values were declining throughout the country. However, I was approached by a realtor who convinced me that purchasing and rehabilitating this property was in the best interest of the neighborhood and possibly a good business decision.

Since that time we have progressively made repairs to the property – frankly it needed more than we originally anticipated. The repair process has taken longer than planned and the social and economic challenges on Payne Avenue have escalated. Several weeks ago a fatal shooting occurred at the house a few doors south of our property. Attracting decent tenants has been a daunting challenge. However we have been able to identify professional working adults who are willing to move in and one is already active in the East Side community.

As a vacant property 1133 Payne has experienced vandalism. Reports of a sofa in the yard and an abandoned truck are news to me and we were never cited for these. On April 4, 2008 a plumbing permit was issued by the City of St. Paul – an inspection took place and was approved on May 8, 2008. For the past several months we have made 1133 Payne a high priority for repairs. I recently learned of some other issues about the property.

One of the issues is zoning. The residential property at 1133 Payne Avenue is located in a B2 zone therefore it requires a Non-conforming Use Permit. The property had such a permit in the past. What we did not know is that when a property is vacant for more than one year it requires re-establishment of the nonconforming use. Thus, becomes the reason for this application.

Please consider the following information as you consider this application:

- **Proposed use is equally or more appropriate:** Built in 1890 as a two-family dwelling, it will continue to be utilized as a duplex. Hafner Realty will be responsible for property management and will ensure that the tenants are properly screened and not disruptive to the neighborhood. We already have reliable and reputable tenants secured for both apartments.

- **Traffic generated will be similar to existing use:** There are off-street parking spaces available for tenants. The proposed use will not affect the traffic or parking that already exists in the area.
- **Use is not detrimental and does not endanger the public health, safety or general welfare of the neighborhood:** Hafner Realty has a long history of being a responsible business, landlord and investor in the City of St. Paul. We hope that our investment of 1133 Payne Avenue demonstrates our commitment to the City. This improved property will be occupied with responsible tenants, and managed hands-on by Hafner Realty and will not only benefit surrounding properties but will benefit our other investments on Payne Avenue.
- **Use is consistent with the comprehensive plan:** 1133 Payne Avenue is adjacent to the *Invest Saint Paul* area in the Payne-Phalen neighborhood. It is also close to the proposed Payne-Maryland Town Square project. Our renovated and occupied property will only enhance the revitalization efforts that are being proposed through these two efforts.

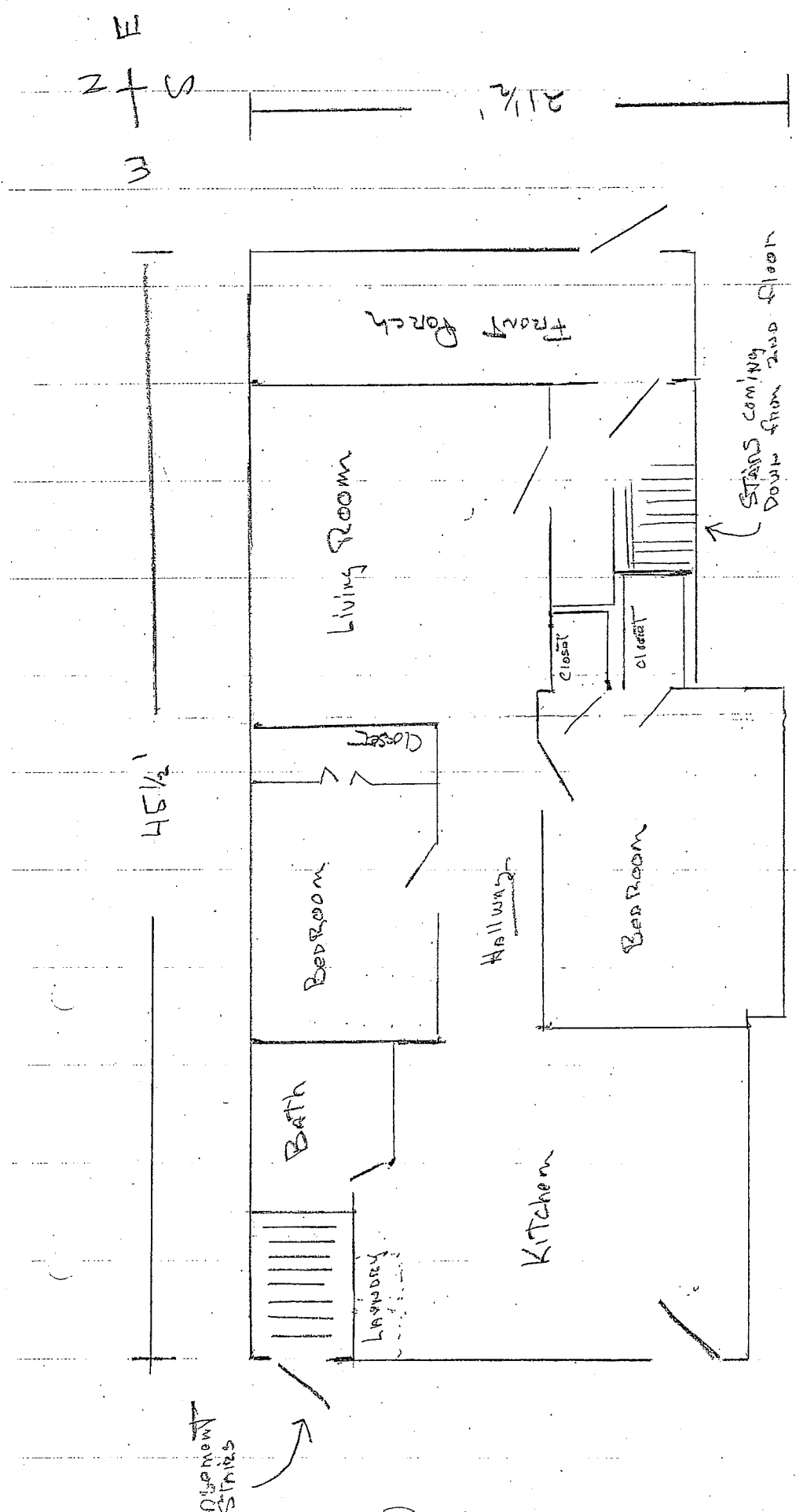
Payne Avenue is a mixed-use commercial corridor, where residents and small businesses comfortably co-exist. Local community activists and City planners are considering rezoning Payne Avenue as TN1 or TN2 which includes the existence of duplexes and multiple-family dwellings.

lick Print next to the lower-left corner of the map.

X « World > United States > Minnesota > Ramsey > Payne-Phalen : 1131 Payne Ave (approximate)



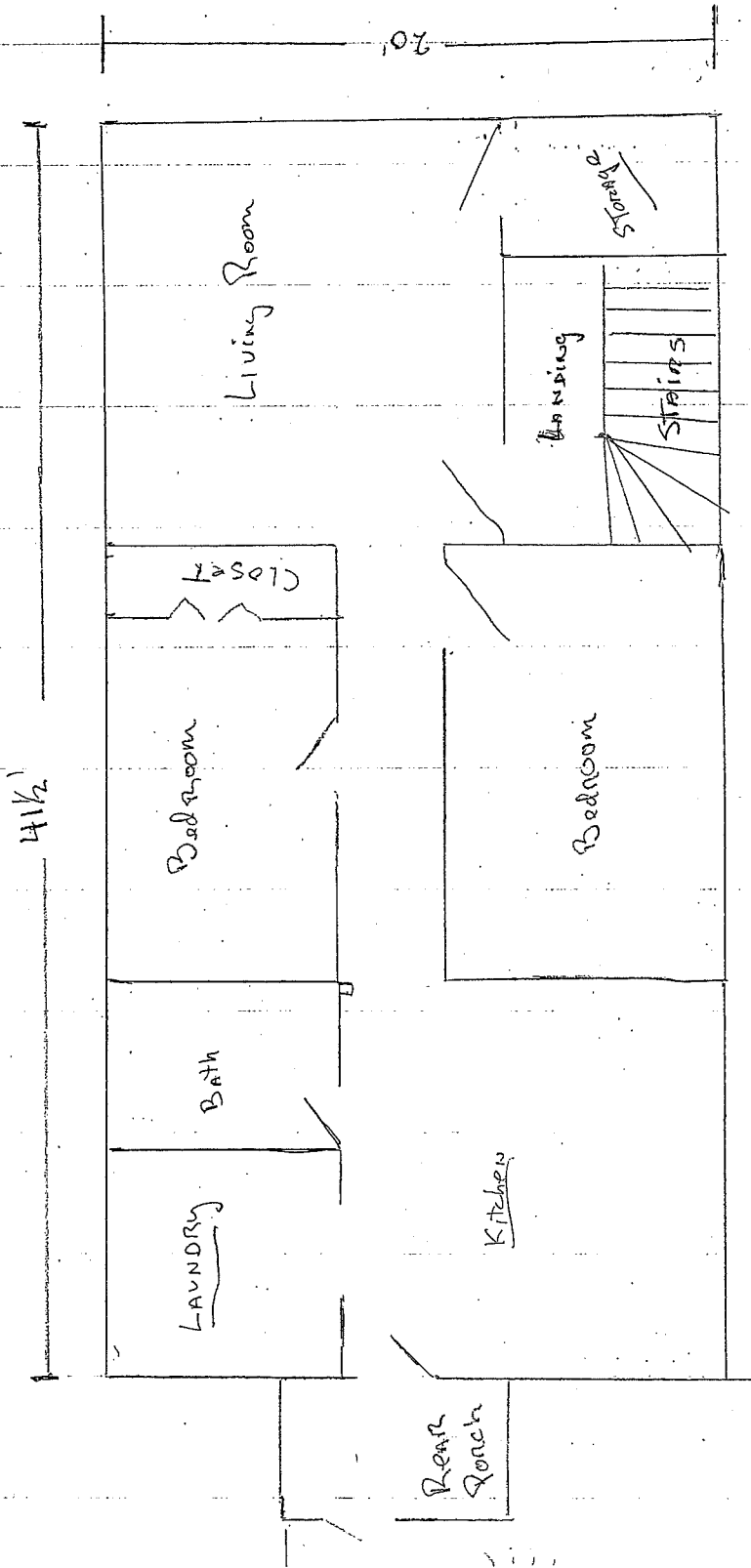
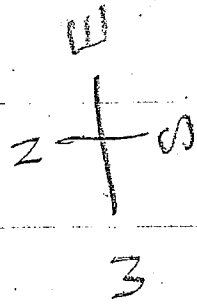
Before  
Rehab



3/4" = 1 foot

1133 Payne Ave  
 ST. PAUL  
 1ST floor approx 910 sq ft





1/4" = 1 foot

1133 Payne Ave  
ST PAUL  
2ND FLOOR APPROX 800 SQ. FT.

Payne Ave

25'

1139 Payne

1137 Payne

1133  
Payne

$\frac{1}{8}" = 1 \text{ FT.}$

W  
N + S  
3

Duplex

110'

Parking Area

36 x 25

CLASS 5 SURFACE

Alley

SITE PLAN  
1133 PAYNE AVE

**IO FORM INFORMATION SHEET  
FOR DUPLEX AND TRIPLEX CONVERSION CASES  
Continuation of Extra Units**

Required Information	With Continuation of Extra Units in Structure	With Conversion of Structure to Legal Number of Units
<u>Income</u>		
Total monthly rent income for all units	1,300. <sup>00</sup>	800. <sup>00</sup>
Monthly income from structure other than rent	0	0
Existing vacancy (if any) <i>TENANTS SECURED</i>	Yes - 2	
Effective gross income (EGI) / month <sup>1</sup>	\$ 0	\$ -
Effective Gross Income / year	\$ 15,600. <sup>00</sup>	\$ 9,600. <sup>00</sup>
<u>Operating Expenses (Annual) <sup>2</sup></u>	\$ -	\$ -
Maintenance	3,000. <sup>00</sup>	3,000. <sup>00</sup>
Insurance	2,500. <sup>00</sup>	2,500. <sup>00</sup>
Utilities (only include amount paid by landlord) <i>Trash, Water</i>	1,000. <sup>00</sup>	1,000. <sup>00</sup>
Other (identify) <i>Furnace Tests Misc.</i>	600. <sup>00</sup>	600. <sup>00</sup>
Taxes	874. <sup>00</sup>	874. <sup>00</sup>
Net Operating Income (Annual) <sup>3</sup>	\$ 7,974. <sup>00</sup>	\$ 7,974. <sup>00</sup>
Monthly debt / mortgage payment	0	0
Annual debt payment	\$ 0	\$ 0
<u>Rehab projects</u>		
Total cost of Improvements <i>paid</i>	30,000. <sup>00</sup>	45,000. <sup>00</sup> <i>→ To convert to single Family</i>
Monthly rehab debt payment	0	350. <sup>00</sup>
Annual rehab debt payment	\$ 0	\$ 4,200. <sup>00</sup>
Cash Flow: profit, (loss) <sup>4</sup>	\$ 7,626. <sup>00</sup>	\$ -(2574.00)

NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)

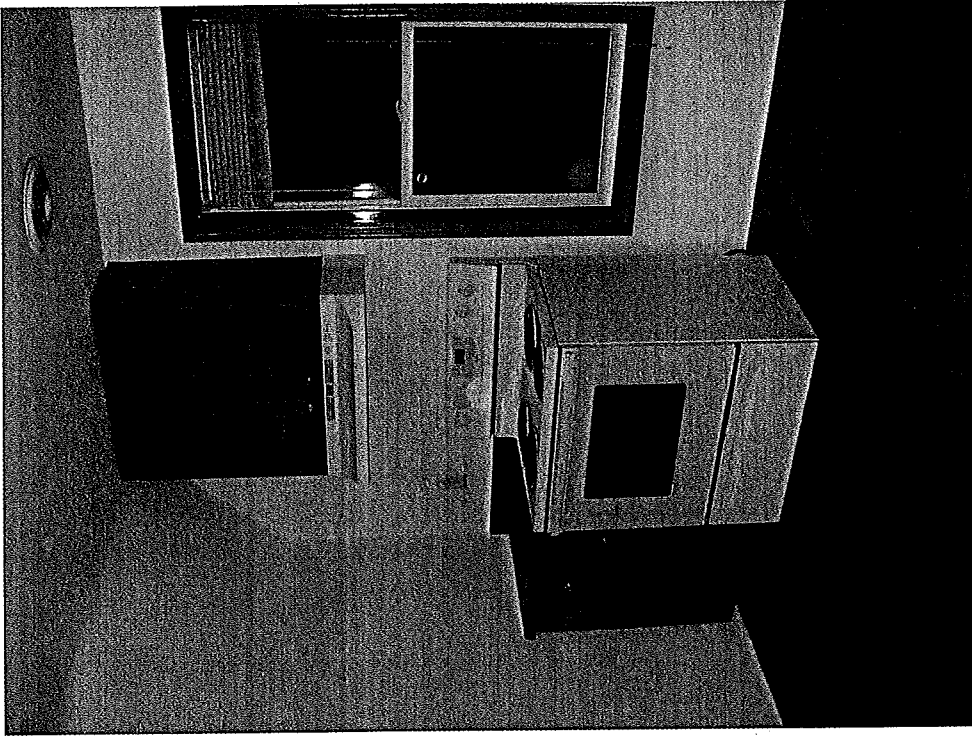
2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others

3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)

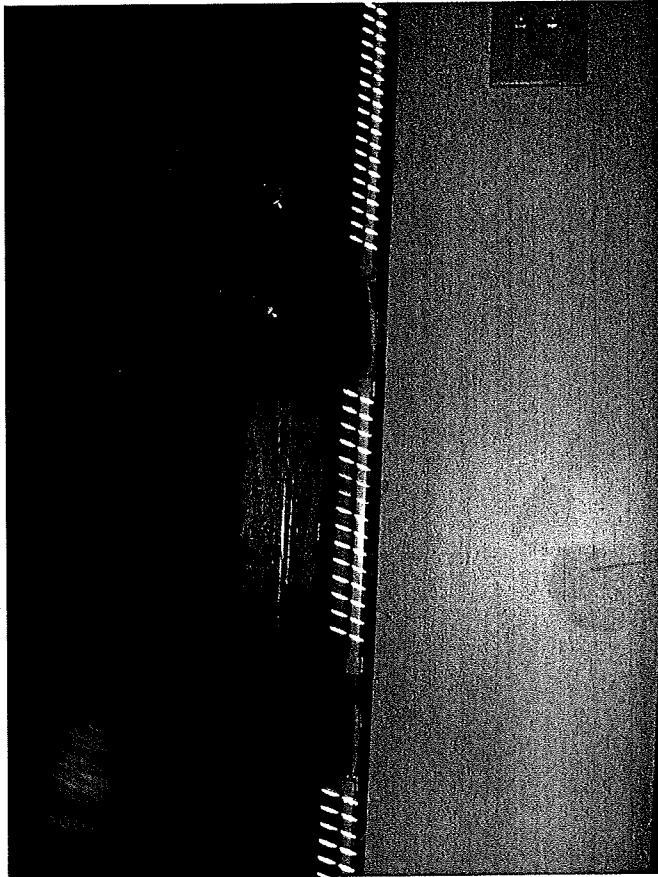
4. Cash Flow = (Net Operating Income) - (Annual debt payment)

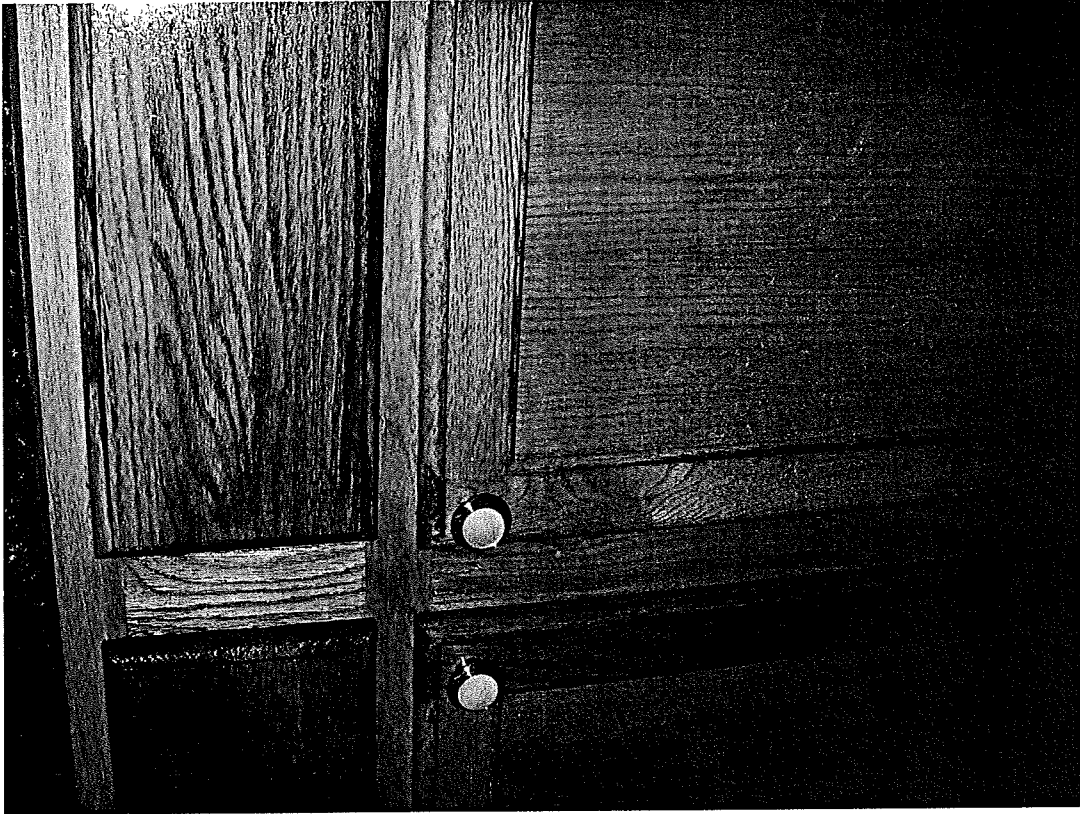
**SUMMARY INFORMATION SHEET.  
FOR DUPLEX AND TRIPLEX COVERSION CASES**

Housing unit breakdown:	Existing	Proposed
Number of units	2	2
Number of bedrooms in each unit	2	2
Unit 1	2	2
Unit 2	2	2
Unit 3		
Size of each unit in square feet		
Unit 1 1st floor	900 sq ft	900
Unit 2 2nd floor	800 sq ft	800
Unit 3		
Debt:		
Initial principal amount	0	0
Initial interest rate	0	0
Term of mortgage/debt financing	0	0
Time remaining on note	0	0
Balance on existing debt	0	0
Rehabilitation		
Type of Improvements:		
New Plumbing, New		
Doors / wood work, Appliances		
CARPET, Paint, Kitchen &		
Bath + Laundry floors, Kitchen		
Cabinets + Countertops, STAIRS,		
Window Treatments, Light Fixtures		
Replacement Windows, Many Repairs etc		

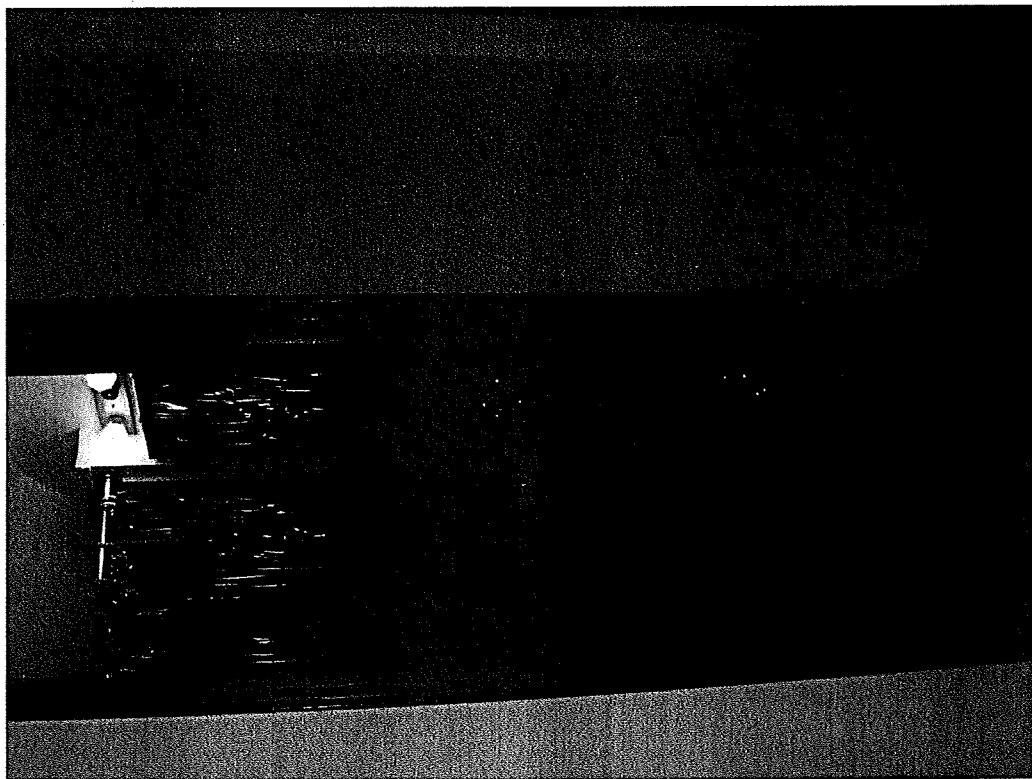


2nd Floor  
Kitchen

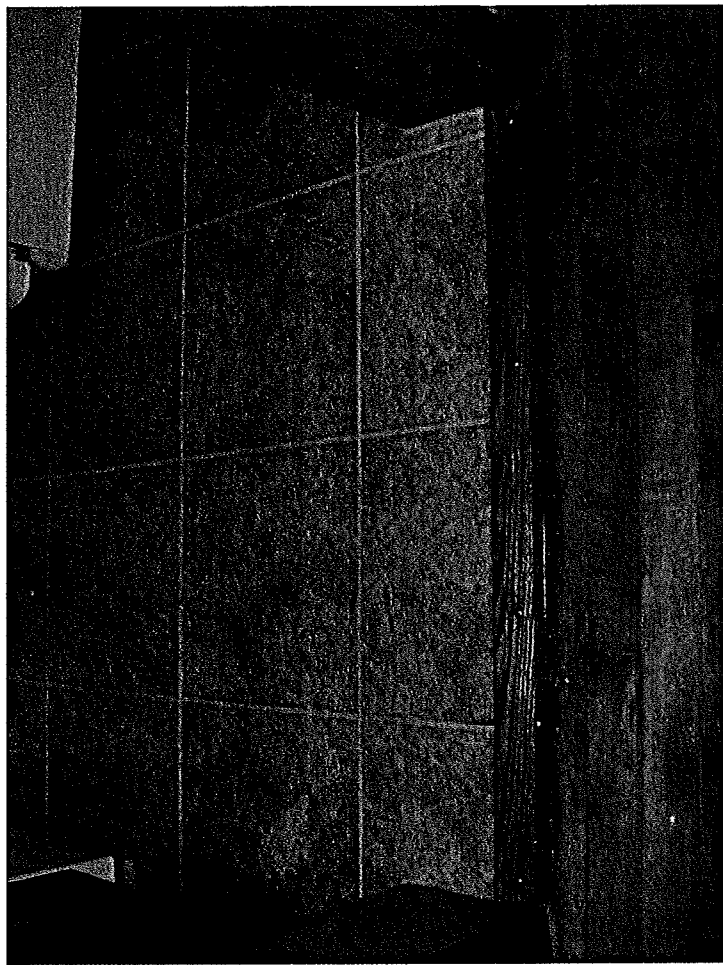




OAK Kitchen Cabinets

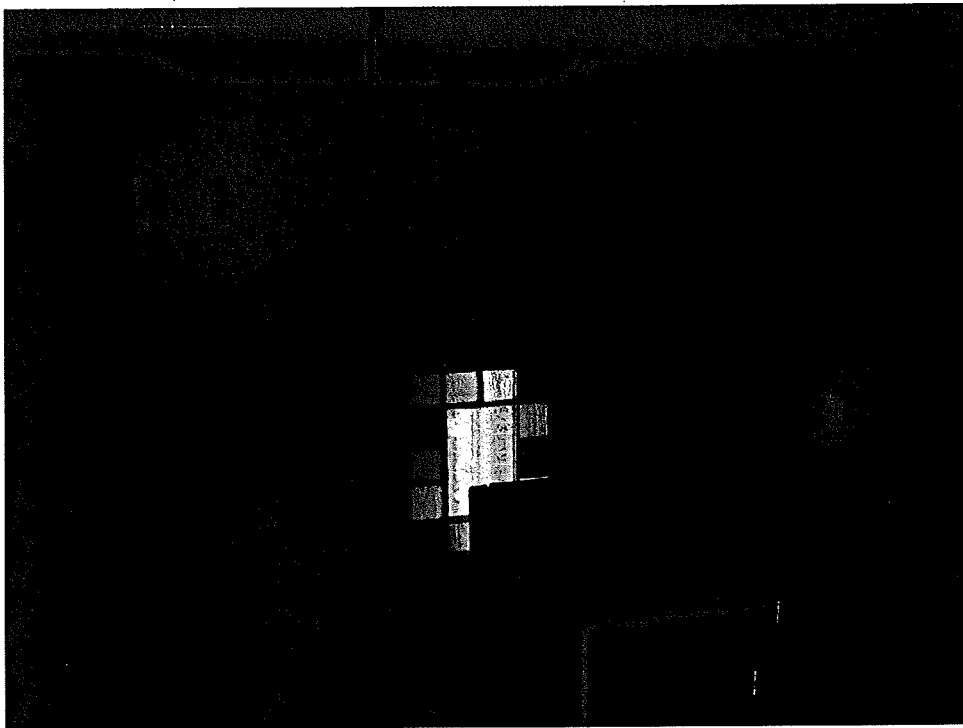


2nd floor Bath



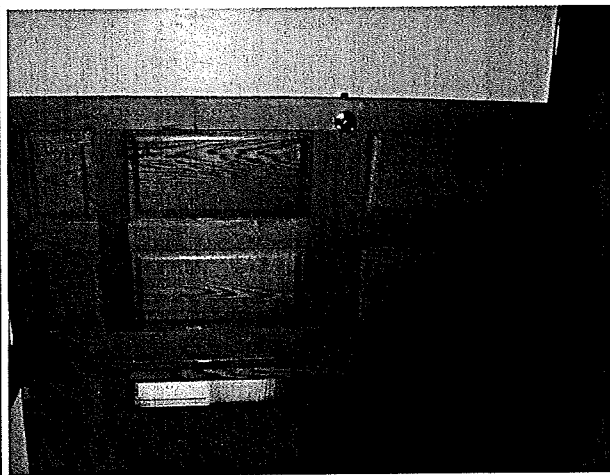
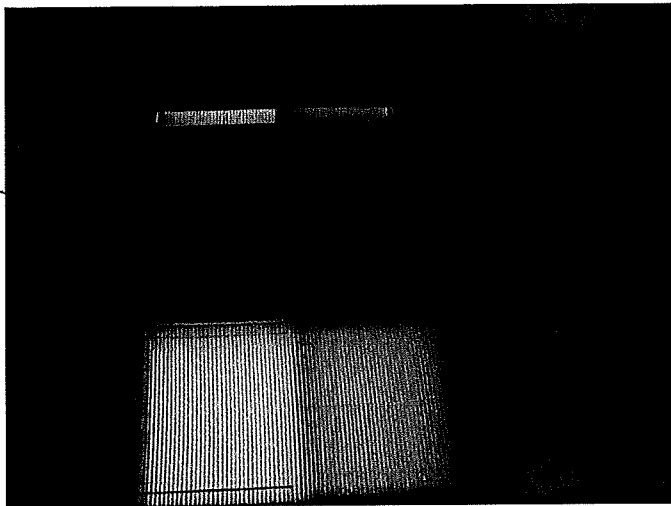
2nd floor  
Laundry Tile

2nd floor Laundry



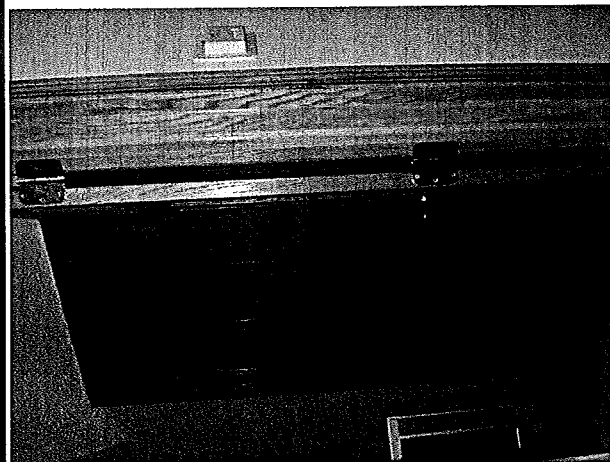
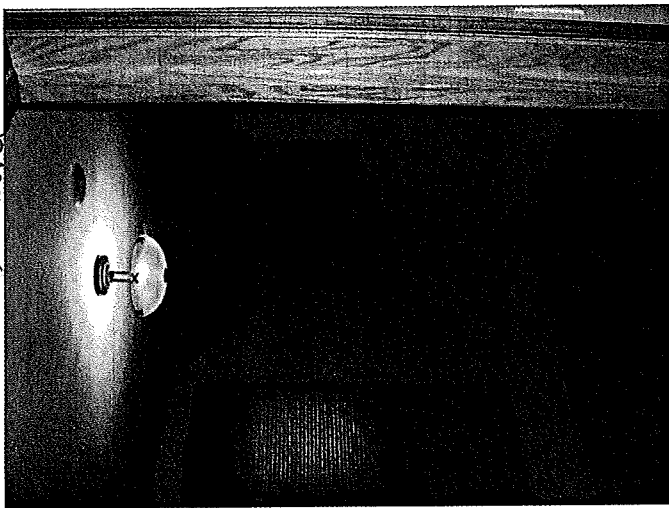


2nd floor  
Living Room



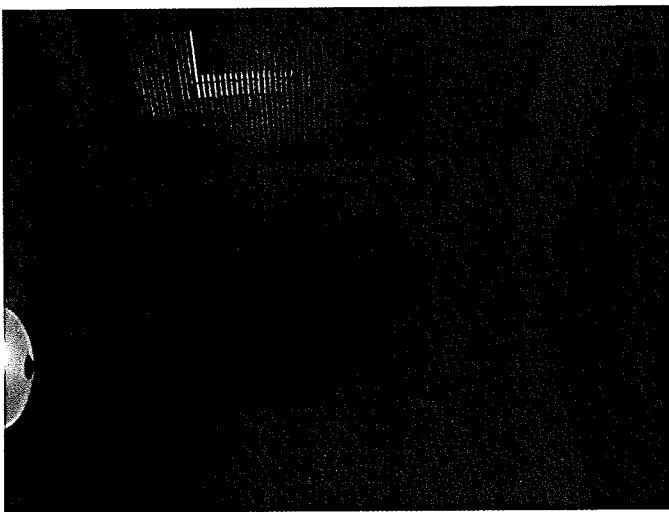
2nd floor  
Bed Room

2nd floor  
Bedroom

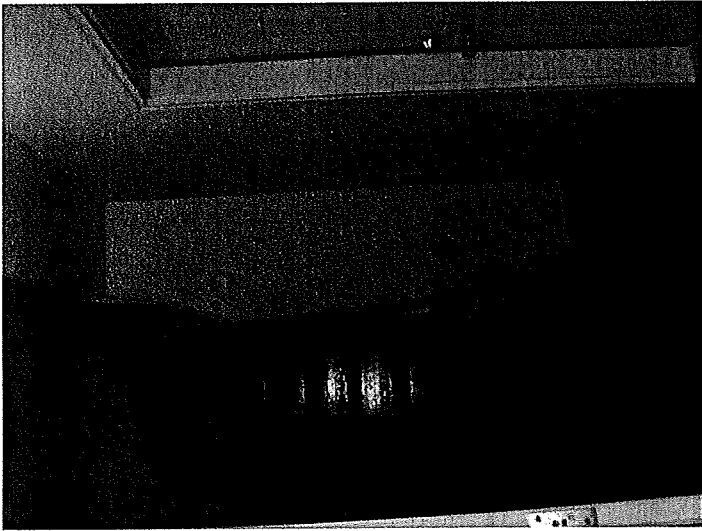


2nd floor  
Bed Room

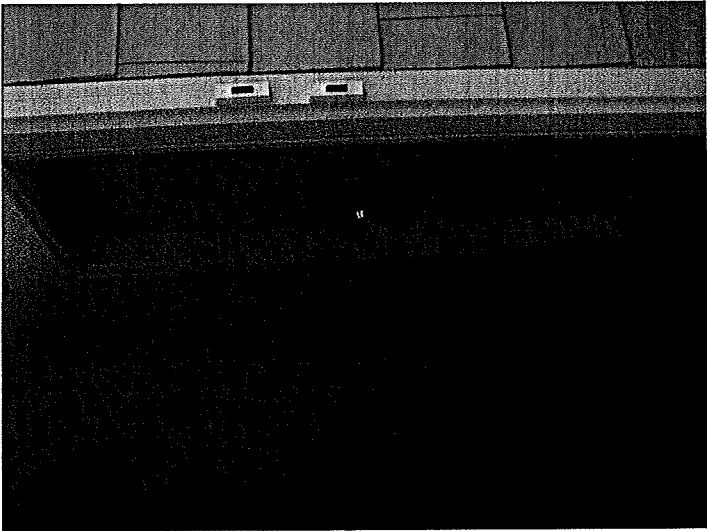
Bedroom 2nd floor



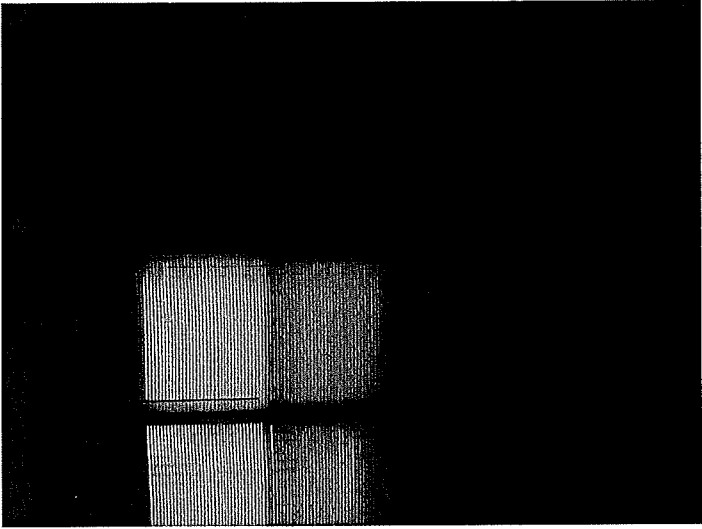
2nd floor  
Bed Room



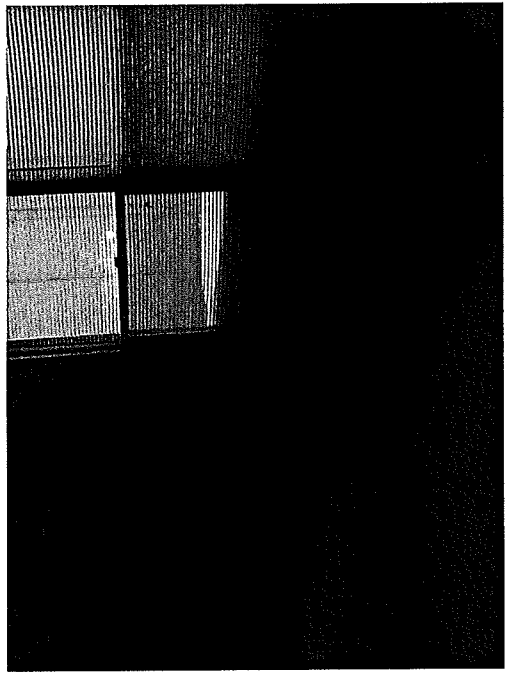
front stairway



front entrance

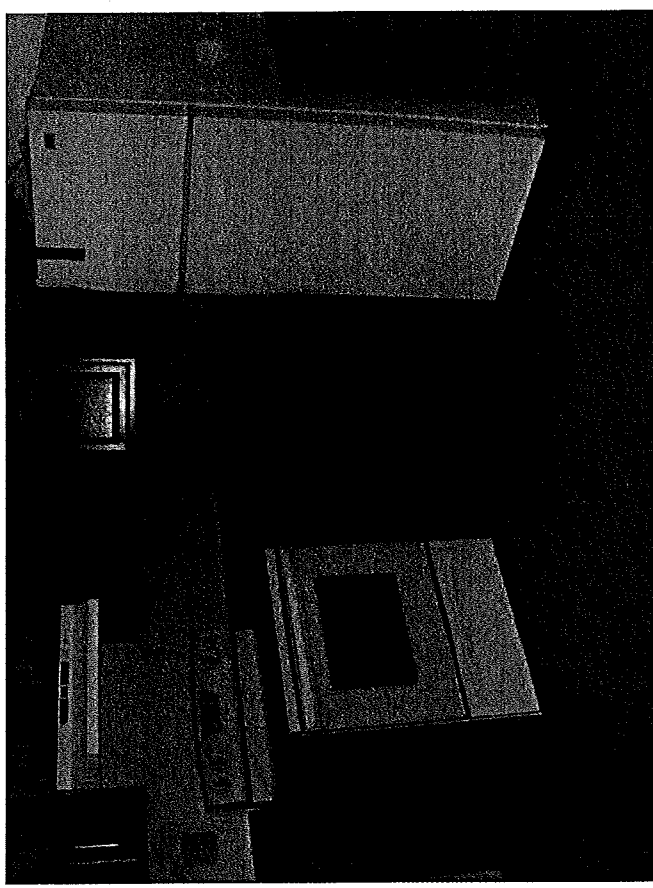


2nd floor  
Living Room

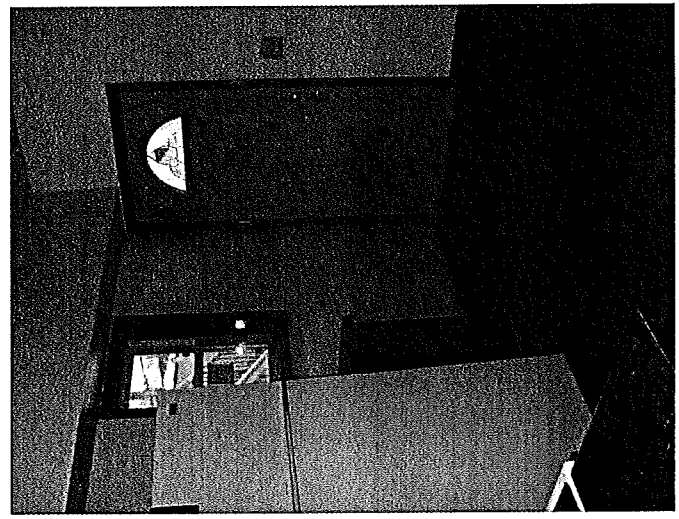
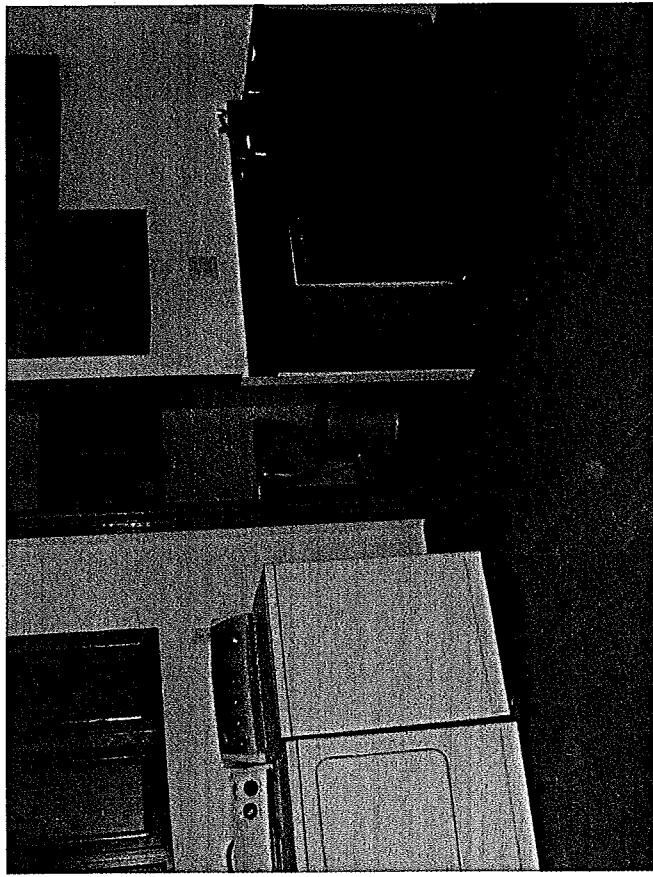


2nd floor  
Living Room

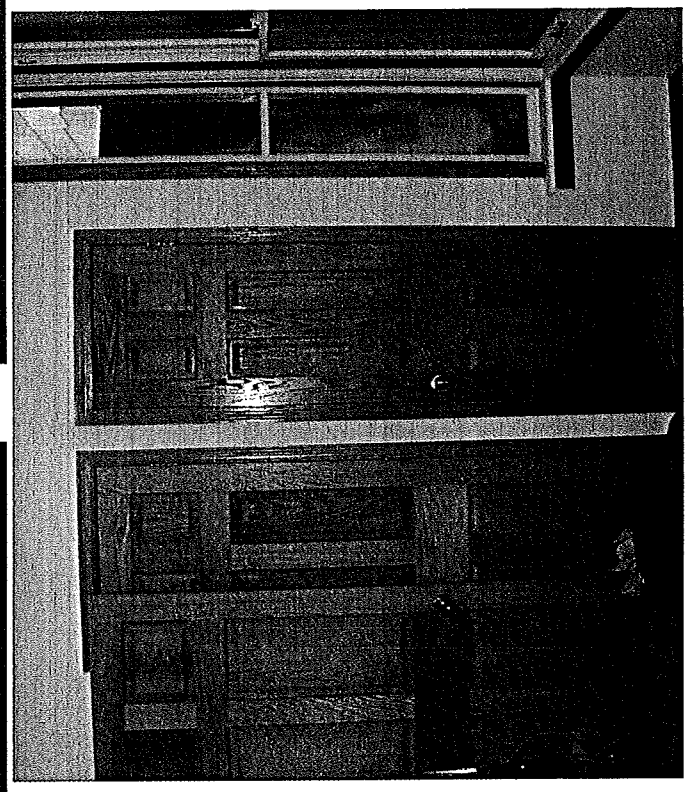
1st floor Kitchen



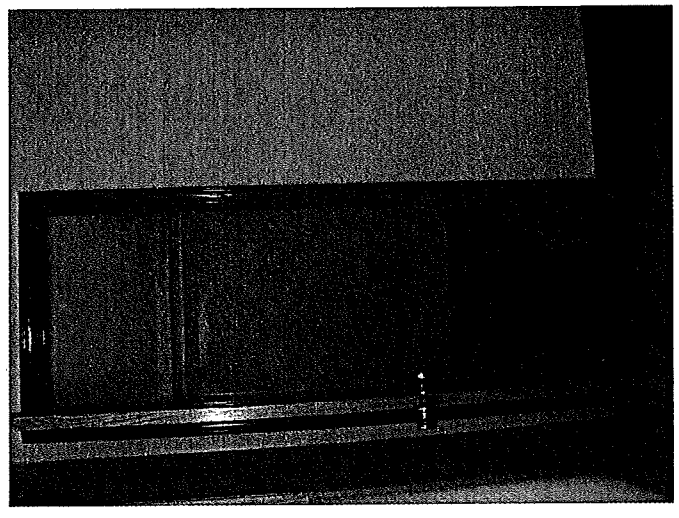
1st floor Kit + Bath



1st floor

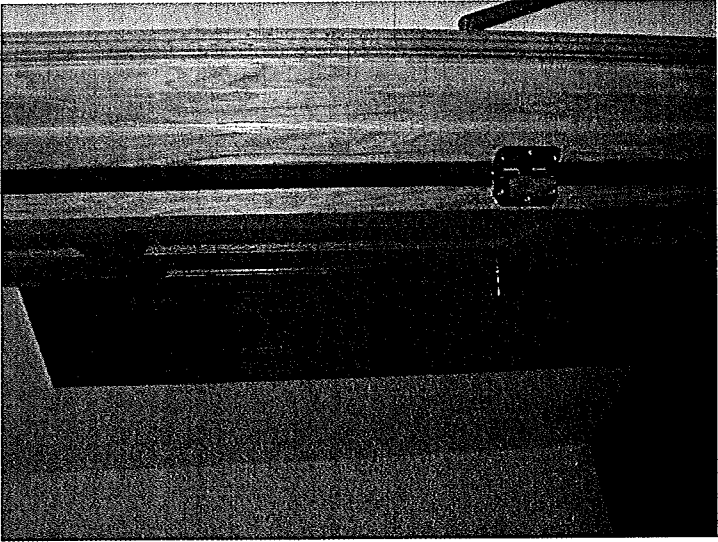


Bedroom  
1st floor

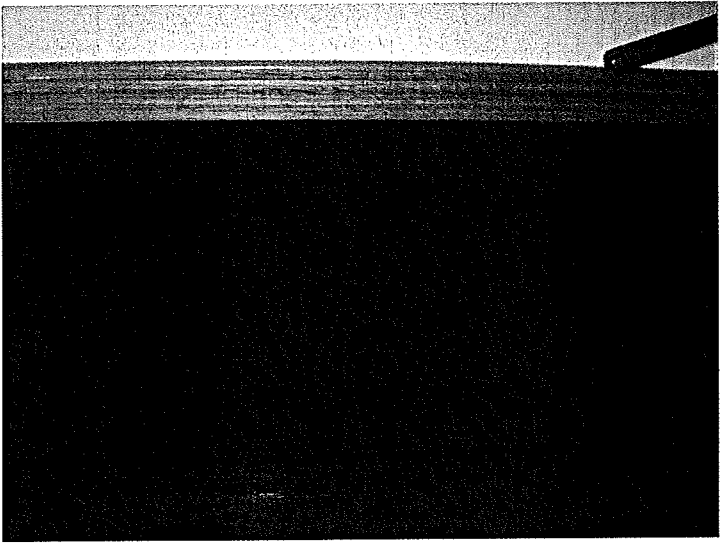


2nd floor  
Closet  
Closet

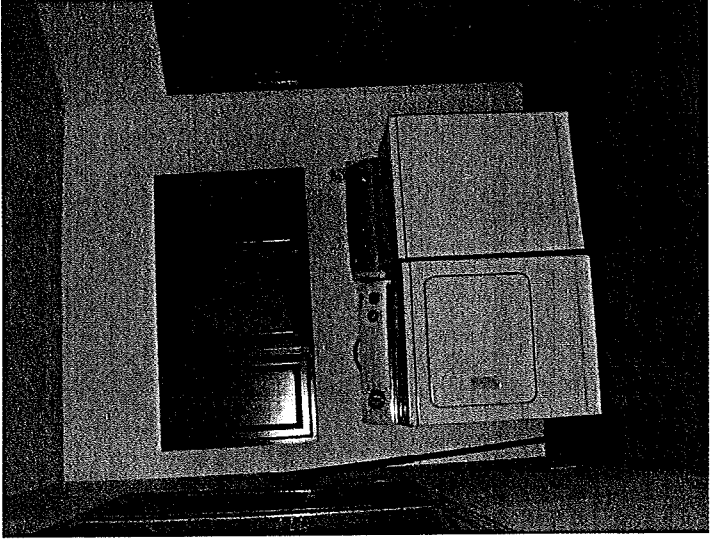
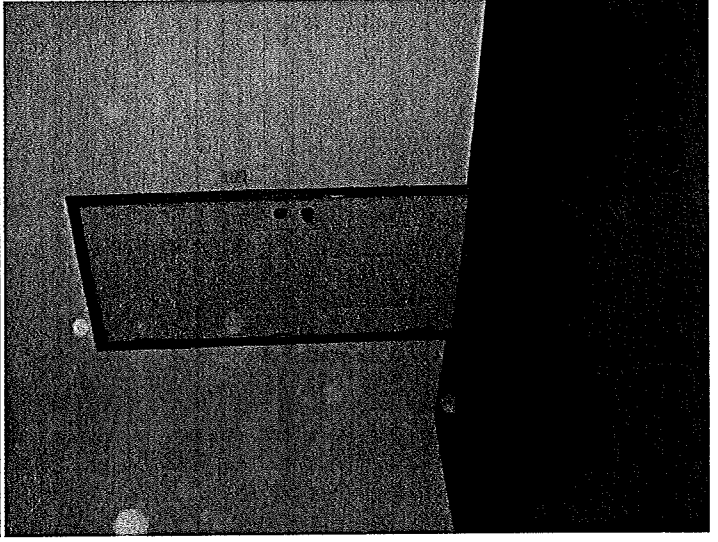
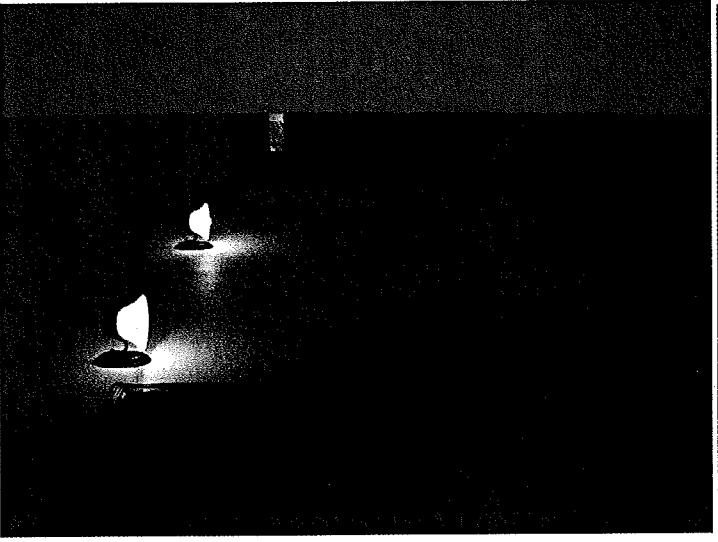
1st floor Bedroom Closet



Bedroom



1st floor Hallway



1st floor Living

1st floor Bedroom closets

R H

31

Greenbriar

Walsh St

Cook

Lawson Ave

Magnolia Ave E

Payne Ave

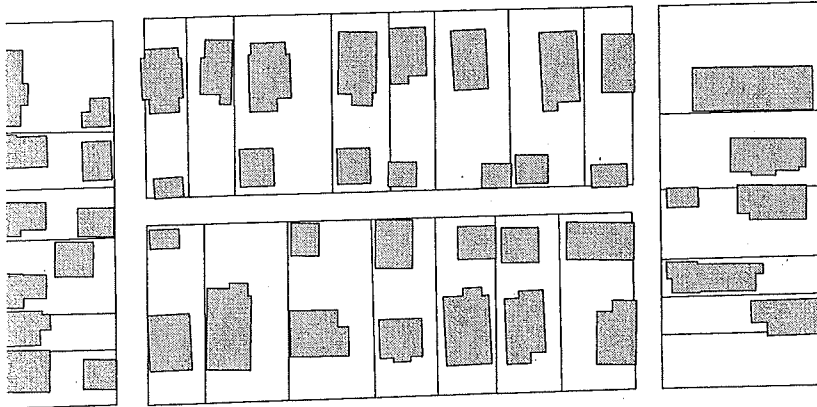
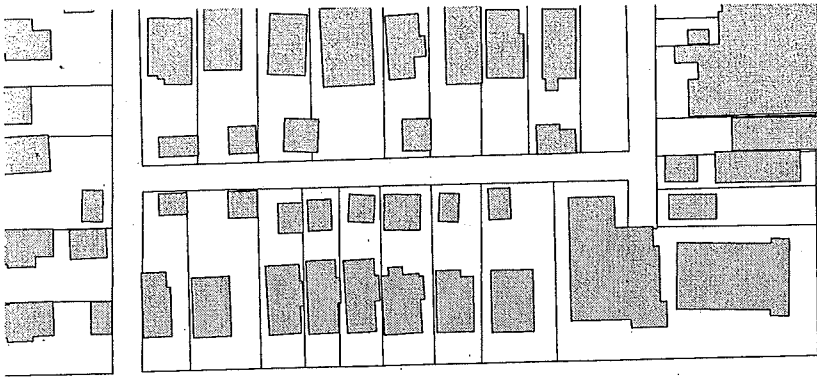
Bradley St

Jessie St

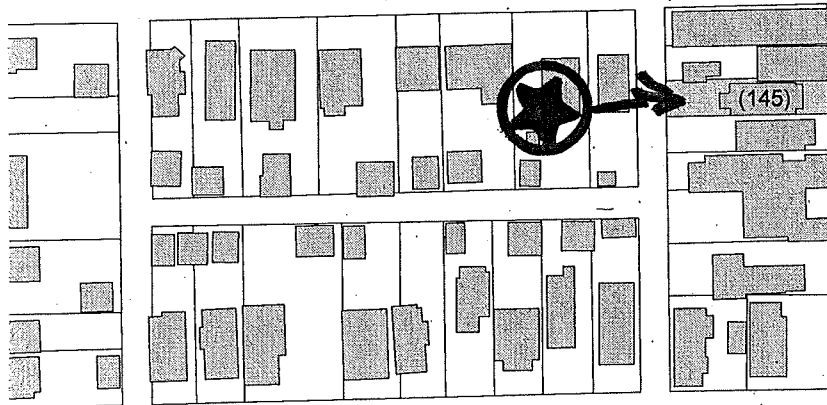
Scale 1: 265'

### Rear view

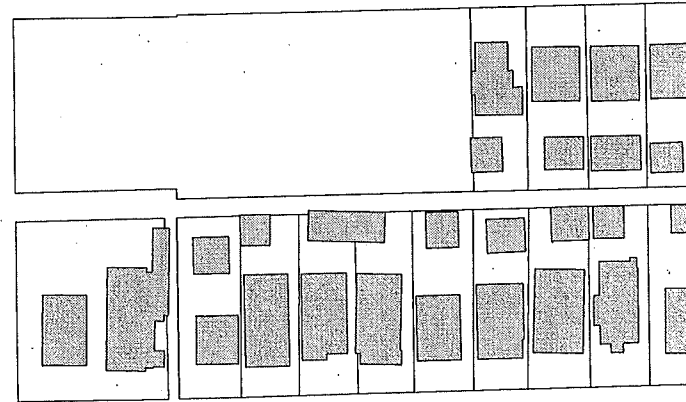
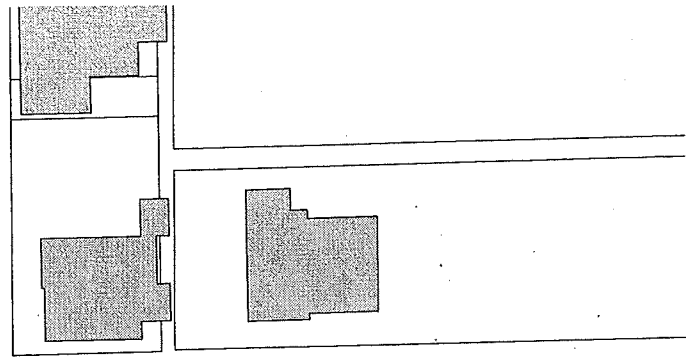
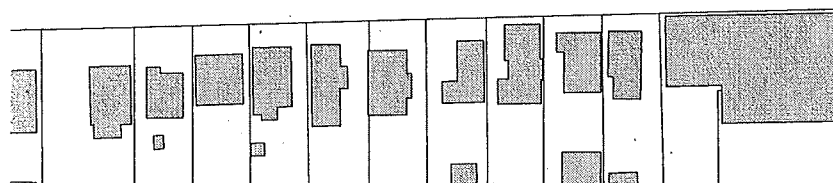
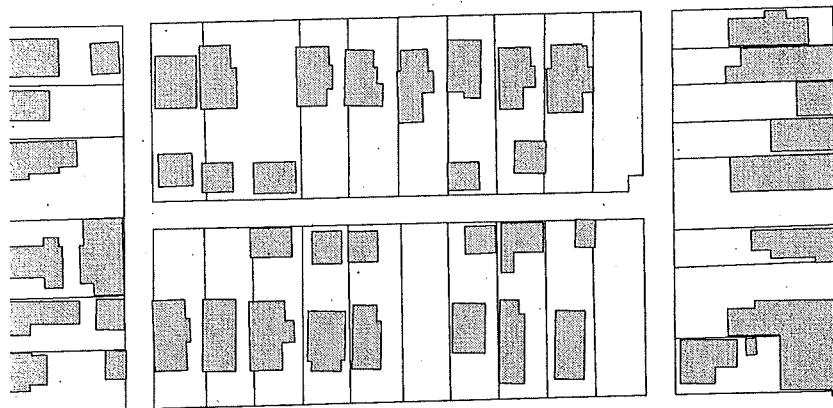




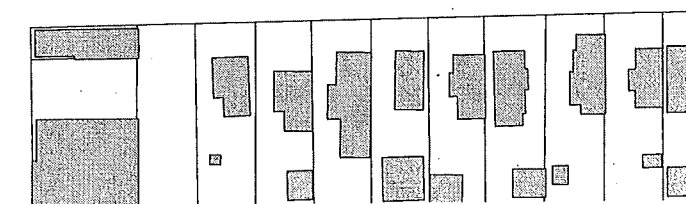
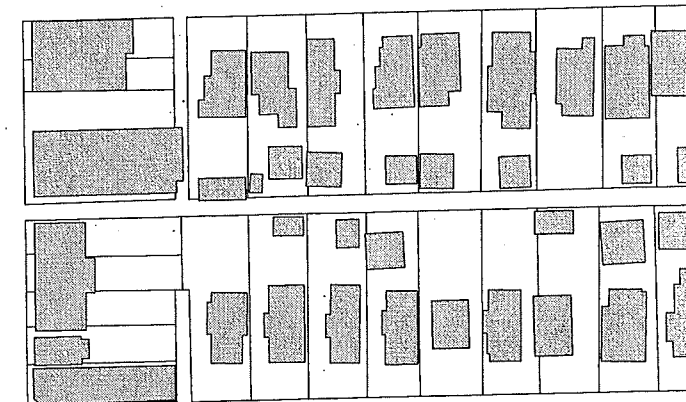
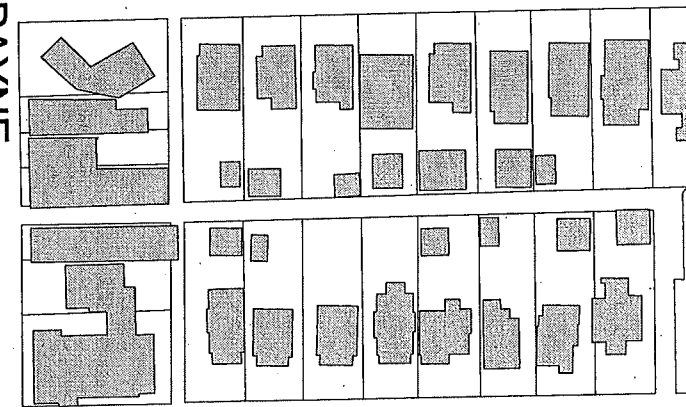
GERANIUM

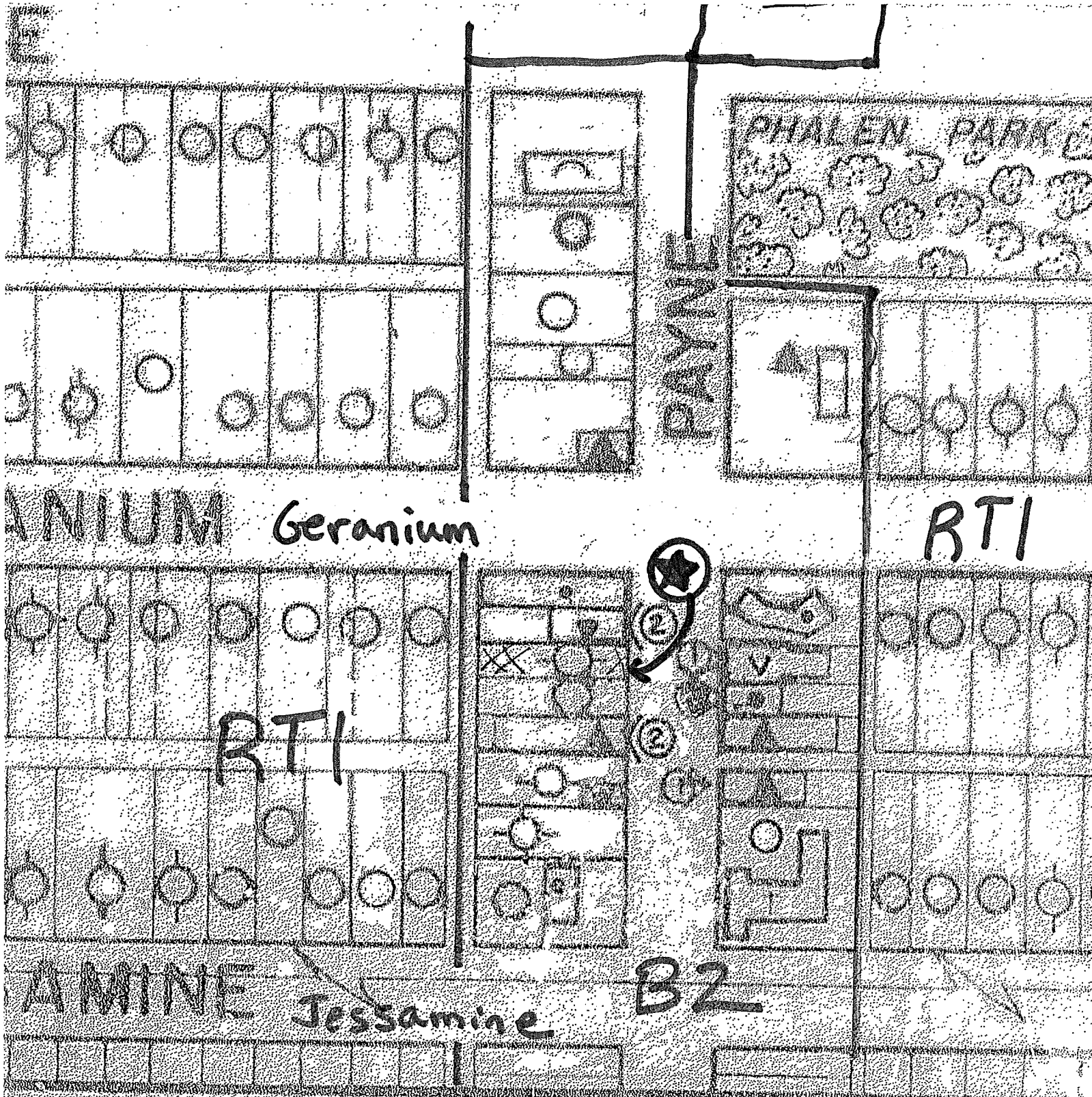


JESSAMINE



PAYNE





APPLICANT Michael + Jean Hafner

PURPOSE RE-EST NCU P

FILE # 10-939250 DATE 12-29-10

PLNG. DIST. 5 MAP # 5

SCALE 1" = 400'



#### LEGEND

zoning district boundary

subject property

○ one family  
 ○ two family  
 ○ multiple family



• ▲ ○ commercial  
 ♦ — industrial  
 V vacant

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Catholic Charities **FILE #** 10-939-012  
2. **APPLICANT:** Catholic Charities **HEARING DATE:** January 13, 2011  
3. **TYPE OF APPLICATION:** Conditional Use Permit  
4. **LOCATION:** 215 Old 6th St, NE corner at Main  
5. **PIN & LEGAL DESCRIPTION:** 062822220015, Riceirvines B1 2542 4554 56 Ex Ely 1o Ft The Sly 2/3 Of Lot 7 Blk 4  
6. **PLANNING DISTRICT:** 17 **PRESENT ZONING:** B5  
7. **ZONING CODE REFERENCE:** §65.157; § 61.501; § 61.502  
8. **STAFF REPORT DATE:** January 3, 2011 **BY:** Luis Pereira  
9. **DATE RECEIVED:** December 23, 2010 **60-DAY DEADLINE FOR ACTION:** February 21, 2011
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- A. **PURPOSE:** Conditional Use Permit for temporary overnight shelter with modification of distance requirement from overnight shelter for women (Dorothy Day Center), emergency housing (Mary Hall) and community residential facility (located in St. Joseph's Hospital)
- B. **PARCEL SIZE:** 5,000 sq. ft. (0.115 acres)
- C. **EXISTING LAND USE:** office for Catholic Charities
- D. **SURROUNDING LAND USE:**  
North: parking (B5)  
East: parking, Dorothy Day Center (B5)  
South: parking, Xcel Arena (B5)  
West: Main Street Labor Corp. (B5)
- E. **ZONING CODE CITATION:** §65.157 outlines the definition of overnight shelter, as well as one condition of the use; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The Dorothy Day Center, located next door and operated by Catholic Charities of Saint Paul and Minneapolis was constructed in 1993. Department of Safety and Inspections records show that Catholic Charities has owned the building at 215 Old 6<sup>th</sup> Street at least since the late 1970s.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 17 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
1. Catholic Charities of the Archdiocese of Saint Paul and Minneapolis have operated the Dorothy Day Center at 183 Old 6<sup>th</sup> St since 1993 as a service center for homeless people. In 2006, the Planning Commission approved a Conditional Use Permit similar to this application to use the second floor of the Center as an overnight shelter for about 40 homeless women, along with a modification of a distance requirement from both existing emergency housing (Mary Hall, located at 436-438 Main St) and a community residential facility (St. Joseph's Hospital-Adult & Adolescent Inpatient Chemical Dependency Program, located at 69 Exchange St W).
  2. The proposal for 215 Old 6<sup>th</sup> Street is to use a grant from Ramsey County to provide temporary overflow shelter housing on the building's second floor for 60 days at the end of months January, February, March, and April 2011 for approximately 20 - 30 individuals. Currently the second floor is used for storage. Individuals will sleep at 215 Old 6<sup>th</sup> Street during the hours of 7 PM to 7 AM, and will be supervised by Dorothy Day staff. They will use shower and laundry facilities and have meals next door at the Dorothy Day Center. The first floor of the building will continue to be used as an office for Catholic Charities staff.
  3. Sec. 65.157 defines overnight shelter as *one (1) main building, or portions thereof, on one (1) zoning lot where persons receive overnight shelter, but are not expected or permitted to remain*



on a 24-hour-per-day basis. The use permitted in the B5 district is subject to the following condition: *The facility shall be a minimum distance of six hundred (600) feet from any other overnight shelter, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or transitional housing facility with more than four (4) adult facility residents.* This condition is not met. St. Joseph's Hospital operates an in-patient chemical dependency treatment program on its premises. The hospital property is approximately 263 feet from the 215 Old 6<sup>th</sup> St property. In addition, Mary Hall, an emergency housing facility also operated by Catholic Charities, is located at 436-438 Main Street, approximately 260 feet from the 215 Old 6<sup>th</sup> St property. Finally, the Dorothy Day Women's Shelter is located on the second floor of the Dorothy Day Center next door, zero (0) feet from the 215 Old 6<sup>th</sup> St property. The applicant has requested a modification of the distance requirement.

4. §61.501 lists five standards that all conditional uses must satisfy:
  - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Policy 3.4 of the Housing Chapter of the Comprehensive Plan calls for the City to "assist in the preservation and production of homeless and supportive housing," including encouraging non-City funding sources to (continue to) provide resources for supportive and homeless housing." In addition, Section 91.220(i) of the recently-adopted Consolidated Plan 2010-2014 indicates that the City "will continue to allocate its Emergency Shelter Grant funds to partially fund the operations of agencies that provide homeless prevention services, emergency shelters, transitional housing, and outreach social services to assist homeless individuals and homeless families." Finally, section 3.3.4 of the recently-adopted Saint Paul Housing Action Plan 2010-2013 included a commitment by the City to "support homeless prevention initiatives such as support for Project Homeless Connect, the Cold-Weather Emergency Overflow Shelter, and the Police Homeless Outreach Project, a street outreach & housing program for chronically homeless residents." Permitting the proposed temporary shelter at 215 Old 6<sup>th</sup> Street is consistent with these City goals.
  - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met, as the proposed temporary shelter space will not affect ingress and egress to the site.
  - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The shelter will be an extension of the existing services offered by Catholic Charities in the area, representing an intensification of an existing use within a pre-existing homeless housing/services campus. The surrounding area is characterized by commercial and institutional uses and will not be adversely affected by the addition of the shelter.
  - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will occur entirely within the existing structure, and should have no impact on the normal and orderly development and improvement of the surrounding uses.
  - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met provided the Planning Commission approves a modification of the distance requirement between the temporary shelter and the nearby overnight shelter, community residential facility, and emergency housing facility.
5. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in*

*exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* These findings are met. Strict application of the spacing requirement will unreasonably prevent the otherwise lawful use of the second floor of 215 Old 6<sup>th</sup> St as a temporary shelter during the winter/early spring months. There is a large need for additional temporary housing for homeless individuals, and not being able to provide these services in otherwise effectively empty space would result in an exceptional undue hardship to Catholic Charities by not allowing them to make efficient use of their existing facilities. The intent of the condition is to prevent an overconcentration of congregate living facilities to the detriment of the surrounding neighborhood. In this instance, there is a dominant commercial-institutional character in the immediate area. The chemical dependency treatment program is located within a hospital, Mary Hall is located on the historic grounds of the hospital, and the women's shelter is located across a parking lot owned entirely by Catholic Charities. Other surrounding commercial-institutional uses are an office building for labor unions, parking lots, and the Xcel Center.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for temporary overnight shelter during the months of January through April, with modification of the distance requirement from the overnight shelter for women (Dorothy Day Center), emergency housing (Mary Hall) and community residential facility (located in St. Joseph's Hospital).



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only	
File #	10-939012
Fee	750.00
Permittee Hearing Date	1-13-10

PD=17

#062822220015

## APPLICANT

Name CATHOLIC CHARITIES  
Address 1200 SECOND AVE. S.  
City MINNEAPOLIS ST. MN Zip 55403 Daytime Phone 612-204-8339  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) STEVEN HARDIE Phone 612-204-8339

## PROPERTY LOCATION

Address / Location 215 OLD 6TH STREET  
Legal Description RICEVINES BL 2542 4554 56 EX ELY 10  
FT THE SLV 2/3 GP LOT 7 B/K 4 Current Zoning \_\_\_\_\_  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 65, Section 157, Paragraph \_\_\_\_\_ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

RAMSEY COUNTY HAS GIVEN A GRANT TO CATHOLIC CHARITIES TO PROVIDE TEMPORARY OVERFLOW SHELTER HOUSING FOR 60 DAYS AT THE END OF THE MONTHS JANUARY, FEBRUARY, MARCH AND APRIL 2011. IT IS ANTICIPATED THAT THE OVERFLOW WOULD BE 20-30 INDIVIDUALS - THESE INDIVIDUALS WOULD BE SUPERVISED BY DOROTHY DAY STAFF. THEY WOULD USE THE SHOWER AND LAUNDRY FACILITIES AND HAVE MEALS NEXT DOOR AT DOROTHY DAY CENTER AND SLEEP DURING THE HOURS OF 7:00 PM TO 7:00 AM AT 215 OLD 6TH STREET.

☐ Required site plan is attached

CK 311456

Applicant's Signature

Steve Hardie

Date 12/23/2010

City Agent

pd  
12-23-10

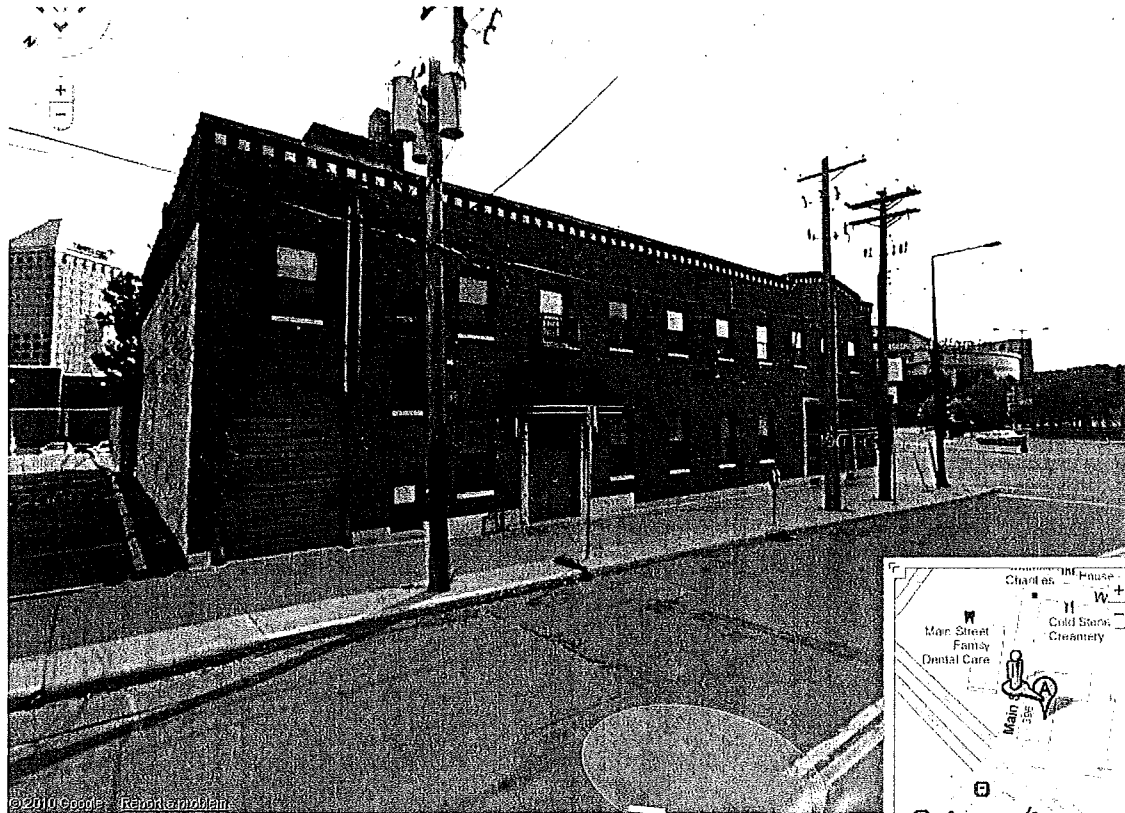


Fig. 1. West view of 215 Old 6<sup>th</sup> St, from Main Street.

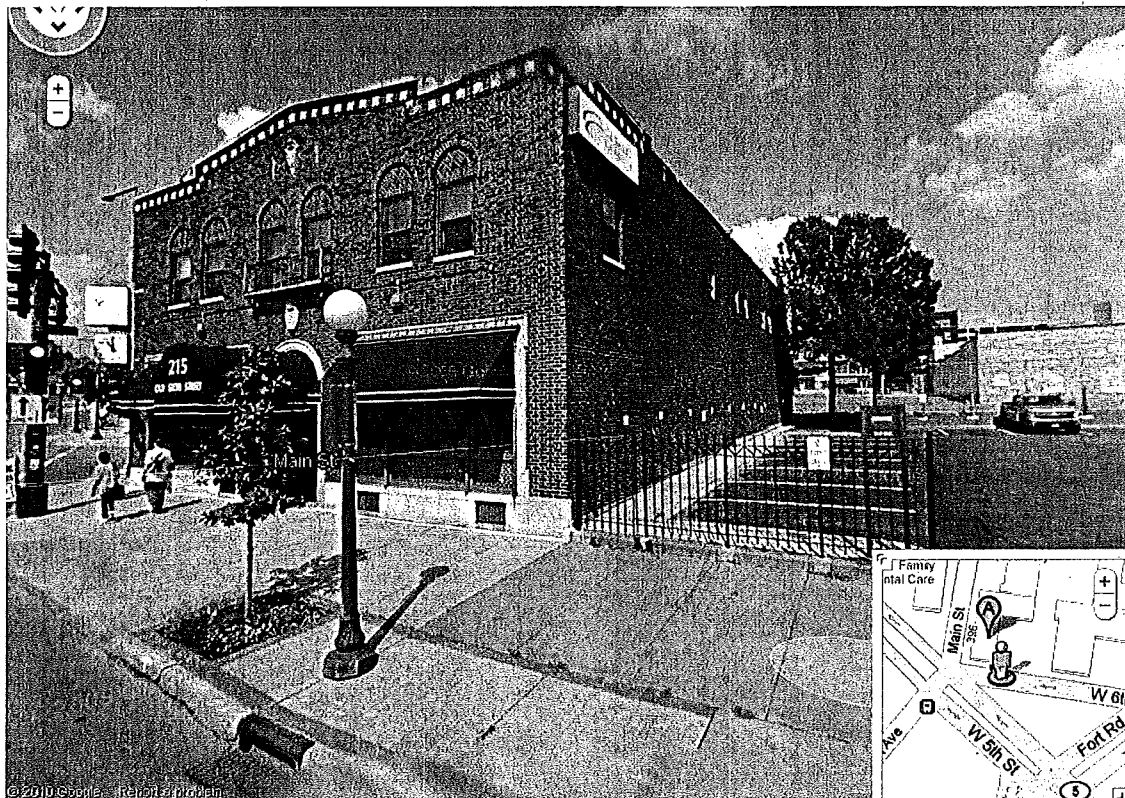


Fig. 2. North view of 215 Old 6<sup>th</sup> St, from Old 6<sup>th</sup> Street.

A map of District 17, which is a collection of irregularly shaped areas. A star is placed in the central part of the district, indicating the location of the school.

